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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,795	11/19/2003	George Athanasiou	ATHIP002CID1	8607
22434	7590	10/21/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP			COURSON, TANIA C	
P.O. BOX 778			ART UNIT	
BERKELEY, CA 94704-0778			PAPER NUMBER	
			2859	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,795

Applicant(s)

ATHANASIOU ET AL.

Examiner

Tania C. Courson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 24-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 24, 26 and 38-41 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 25, 27-37 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-6, 24, 26 and 38-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Perlotto (US 4,251,922).

Perlotto discloses in Figures 1-3, a gage apparatus comprising:

With respect to claims 1-2, 5-6 and 24;

- a) a base (Fig. 1, base 10), a reference system (Fig. 1, table 12) and a positioning system (Fig. 1, adjustment mounts, 20, 22 and 24);
- b) wherein said base includes an opening (Fig. 3), and a mounting surface (Fig. 1);
- c) wherein the component is a structural support (Fig. 1, rods 72 and 74) and wherein said positioning system includes a positioning mechanism (Fig. 1, adjustment mounts, 20, 22 and 24), said positioning mechanism including an adjustment screw threadably coupled to said base (Fig. 1, micrometer screw 56);
- d) wherein said positioning system includes a measurement arrangement (Fig. 1, gaging device 14), said measurement arrangement including a measurement post (Fig. 1, rods 72 and 74), said measurement post being structurally coupled to said base (Fig. 1);

- e) wherein said positioning system includes a positioning mechanism including an adjustment post structurally coupled to said base (Fig. 1, adjustment mounts, 20, 22 and 24) and an adjustment screw threadably coupled to said adjustment post (Fig. 1, micrometer screw 56).

With respect to claims 26 and 38-41;

- a) an alignment fixture (Fig. 1) including a fixture platform (Fig. 1, base 26) and a reference system (Fig. 1, table 12) and a positioning system (Fig. 1, adjustment mounts, 20, 22 and 24);
- b) an alignment tool (Fig. 1, base 26) and a measurement device (Fig. 1, gaging device 14), the alignment tool including an alignment plate (Fig. 1, member 28), the alignment plate having a reference surface (Fig. 1), the measurement device being attachable to the fixture platform (Fig. 1);
- c) wherein the positioning system comprises a positioning mechanism (Fig. 1, adjustment mounts 20, 22 and 24);
- d) wherein the positioning mechanism includes a measurement post (Fig. 1, rods 72 and 74), the measurement post being structurally coupled to the fixture platform (Fig. 1), and an adjustment screw (Fig. 1, micrometer screw) which is threadably coupled to an adjustment post (Fig. 1, plates 52), the adjustment post being structurally coupled to the fixture platform (Fig. 1);
- e) wherein the measurement post and adjustment post are spaced apart on the fixture platform (Fig. 1), the measurement device when positioned in the measurement

post having a working direction in opposed relationship with the adjustment screw (Fig. 1)

With respect to the preamble of the claims 1 and 26: the preamble of the claim has not been given any patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self – contained description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951).

With respect to claims 1-2; 5-6 and 24: With respect to the intended use of the apparatus, e.g. configured to receive and support said drum assembly, configured to place a portion of said drum assembly in a known position relative to said base, for adjusting the position of said component of said drum assembly relative to said base when said portion of said drum assembly is positioned in said known position, for receiving a portion of said drum assembly therethrough, for supporting a portion of said drum assembly thereon, for adjusting the position of said structural support, configured to engage and exert a force on said structural support so as to adjust its position, for checking the alignment of said component of said drum assembly, for receiving a measurement device for measuring the eccentricity of said component: It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

With respect to claims 26 and 38-41: With respect to the intended use of the apparatus, e.g. configured to receive and support the drum assembly, configured to hold a second component of the drum assembly in a known position relative to the fixture platform, for adjusting the position of the component of the drum assembly relative to the second component of the drum assembly when the second component of the drum assembly is held in the known position, configured to be secured to the spindle assembly or inner drum of the drum assembly, for receiving an inner surface of the drum support so as to position the inner surface relative to the spindle axis when the alignment plate is secured to the spindle assembly or inner drum of the drum assembly, configured to measure the position of the alignment plate or inner drum relative to the spindle axis of the drum assembly when the alignment plate is secured to the spindle assembly or the inner drum and when the drum assembly is placed in the alignment fixture, for adjusting the position of the drum alignment tool or the inner drum relative to the spindle assembly when the drum assembly is placed in the alignment fixture, for receiving the measurement device, configured to engage and exert a force on the drum alignment tool or the inner drum so as to adjust their position relative to the spindle assembly when the adjustment screws are linearly moved through the adjustment post: It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

With respect to claim 38: The term “drum” does not add any structural limitation to the term “alignment tool”, thus it does not provide enough patentable weight.

With respect to claim 41: It has been held that the functional statement “thereby”, which is similar to the term “whereby” which does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

Allowable Subject Matter

3. Claims 3-4, 25, 27-37 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

4. The following is an examiner’s statement of reasons for allowance for dependent claim 3: the prior art does not disclose or suggest an alignment fixture for aligning a component of a drum assembly used in a video recording device including reference pins engaging the outer peripheral surface of said drum assembly in combination with the remaining limitations of the claims.

5. The following is an examiner’s statement of reasons for allowance for dependent claim 4: the prior art does not disclose or suggest an alignment fixture for aligning a component of a drum assembly used in a video recording device including said component being a drum in combination with the remaining limitations of the claims.

6. The following is an examiner’s statement of reasons for allowance for dependent claim

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25: the prior art does not disclose or suggest an alignment fixture for aligning a component of a drum assembly used in a video recording device including an aligning actuator that exerts a lateral force on said component of said drum assembly in combination with the remaining limitations of the claims.

7. The following is an examiner's statement of reasons for allowance for dependent claims 27-37: the prior art does not disclose or suggest an alignment system for aligning a component of a drum assembly associated with a video recording device including a fixture platform having an opening that receives the base of the drum assembly in combination with the remaining limitations of the claims.

8. The following is an examiner's statement of reasons for allowance for dependent claim 42: the prior art does not disclose or suggest an alignment system for aligning a component of a drum assembly associated with a video recording device including the video recording device in combination with the remaining limitations of the claims.

Response to Arguments

9. Applicant's arguments filed on July 22, 2004 have been considered but are moot in view of the new ground(s) of rejection.

10. In response to applicant's argument for adjusting and configured to engage and exert a force, a recitation of the intended use of the claimed invention must result in a structural

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difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239.

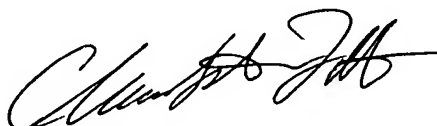
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The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DIEGO F.F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 2859

CHRISTOPHER W. FULTON
PRIMARY EXAMINER

TCC
October 15, 2004